

Victor Daniel Soltero K86340

HIGH DESERT STATE PRISON

PO BOX 3030

Susanville, CA 96127

Office of the Clerk, U.S. District Court

Northern District of California

450 Golden Gate Avenue

San Francisco, California 94102

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

VICTOR DANIEL SOLTERO

Plaintiff,

v.

JOE McGRATH, et al.,

Defendants.

Case No. C 07-4256 PJH(PR)

MOTION FOR DISCOVERY AND

DISCLOSURE Per. Cal Rules of

Ct. Fed. Civil L.R. 26 and

Civil L.R. 16-10.

(NOTE: Plaintiff files this motion pursuant to California Rules of Court (Federal), Civil L.R. 7-1(b), "Motion must be directed to Judge to whom the action is assigned"). The Plaintiff 'in good faith' moves for an conference between the Plaintiff and Defendants counsel to request the production and disclosure of discovery material. Plaintiff further seeks relevant material from parties other than Defendants. The discovery material sought and the holder of said-

1 material (to the best of the Plaintiff's knowledge)  
2 is as follows:

3  
4 (1) Victor Daniel Saitora K36344 (Plaintiff) @  
5 HIGH DESERT STATE PRISON DS 210, P.O. BOX 3030,  
6 Susanville, CA 96127. The material sought, and now  
7 being forward and disclosed, is the finding of  
8 Rule Violation Report 115 (RVR 115), (EXHIBIT "A"  
9 of this motion) where Plaintiff is found Guilty.  
10

11 An curious review of the record reveals  
12 that this RVR 115 (was reissued verbatim) had  
13 been 'dismissed in the interest of justice.' (SEE  
14 EXHIBIT 1286 DATED 8-9-07 FOUND IN (PREVIOUSLY  
15 FORWARD TO COURT) EXPEDITED MOTION), with SVSP  
16 Admin. SIGNATURES FOUND THERE APOON. SEE EXHIBIT A-1 OF  
17 THIS MOTION WHERE PLAINTIFF WAS HELD IN ASJ (SALINAS VALLEY STATE PRISON) FOR  
18 THE COMPLETION OF DISCIPLINARY PROCESS, NOTED IN 'DISCIPLINARY HISTORY "REMARKS"', ON  
19 1286 DATED 5-17-2007, EXHIBIT A-1.

18 Plaintiff now reiterates section A. of INMATE/  
19 PAROLEE APPEAL FORM Dated 1-11-2007 (SEE EXHIBIT  
20 "B" of the Original COMPLAINT FILED UNDER 42 USC 1983).

21 "... IT APPEARS THAT THE SENIOR HEARING OFFICER SELECTS  
22 FROM THE EVIDENCE WHAT HE(SHE) THINKS IS IMPORTANT (STRAINS  
23 AND TWISTS THE EVIDENCE TO REACH A DESIRED RESULT), AND  
24 OMITTS THE REST; HE(SHE) INTERPOLATES IN THEM THINGS  
25 WHICH THEY DO NOT EXPLICITLY SAY, ... AND HE(SHE)  
26 CRITICIZES THE EVIDENCE BY REJECTING OR AMENDING  
27 WHAT HE(SHE) REGARDS AS DUE TO MIS INFORMATION  
28 OR MENDACITY." ;

1 (2) Linda Paluda, Program Manager Government  
 2 claims Division, Victim Compensation and  
 3 Government Claims Board, @ VCGCB  
 4 Government Claims Program 400 R Street, 5th  
 5 Floor • Sacramento, CA 95814.  
 6 RE: Claim # G566872 for Victor D. Soltero K36340  
 7 (SEE EXHIBIT "B" of this motion).

8 NOTE: Plaintiff has met the six month date per  
 9 Government Code Section 945.6. PLEASE CONSULT  
 10 GOVERNMENT CODE SECTION 955.4 FOR PROPER  
 11 SERVICE OF SUMMONS AND COMPLAINT. ;

12  
 13 (3) Chief Deputy Warden Lewis, Internal  
 14 Affairs Division IAD @ Salinas Valley State  
 15 Prison, P.O. Box 1050, Soledad, CA 93960.

16 The material sought is the video tape evid-  
 17 ence noted in Exhibit "A" (RVR PART C OF THIS  
 18 MOTION), this video tape audibly and visually  
 19 records the identity of the Medical Tech, and  
 20 how reporting of the incident, visually filling  
 21 out documentation (on video) which was omitted  
 22 from Crime/Incident Report. The said-video,  
 23 unless edited, records the Plaintiff, and  
 24 Inmates Vega, and Guzman, from the point  
 25 where they are removed from assigned  
 26 cells, and follows Plaintiff to program  
 27 area consistently. while escort is in  
 28 route the Plaintiff suffered intimidation

1 tactics of an cohesiveness and threats,  
 2 {threats which were later carried out in  
 3 retaliation and reprisals} to have the  
 4 Plaintiff denounce the Medical Tech.'s  
 5 reporting of misconduct. The identity(s) of  
 6 the numerous correctional officers whom  
 7 participated, and Sgt's whom participated in  
 8 this illegal use of force videotaped interview.  
 9 (NOTE ■ SVSP Operation Procedure 48 or 48B,  
 10 clearly states to the effect that the procedure  
 11 will be conducted at no less than the rank of  
 12 lieutenant, and further articulates upon warning  
 13 officers or employees directly involved to  
 14 not involve them-self or others, nor attempt  
 15 to impede upon reporting, or other prongs found  
 16 in the operation procedures 48 or 48B.) Here  
 17 in this instance it is an clear violation of the  
 18 said-Operation Procedure, and an effort by  
 19 the Defendants named or yet to be named whom  
 20 are depicted on said-videos.). Although the video  
 21 was designed to produce equivocal results  
 22 by the defendants, it now evidences unequivocal  
 23 ally the defendants measures to compound  
 24 and conceal.

25 In ~~clarification~~ <sup>[IDENTITY]</sup> clarification the discovery sought  
 26 is the video tape; identity of the numerous  
 27 correctional officers and sergeants depicted on  
 28 said-videos; the identity of the Medical Tech.

1 and the reports which she filed in regard to  
 2 this instant matter and; the work product as  
 3 an result of the IAD investigation regarding  
 4 the staff misconduct to include the letter(s)  
 5 and evidences forward to SVSF. IAD BY  
 6 the Monterey County District Attorney's  
 7 office which has offered it assistance in  
 8 the investigation, and stemming therefrom, and  
 9 material related to this case. (Exhibit "C" corresp-  
 10 ondence from Monterey County D.A. office. To be forward as soon  
 11 as Plaintiff can obtain copies, in near future.)

11 I declare under penalty of perjury under  
 12 the laws of the United States of America that  
 13 the foregoing is true and correct to the best  
 14 of my knowledge.

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16 Respectfully submitted, 3-11-2008

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STATE OF CALIFORNIA

## RULES VIOLATION REPORT

DEPARTMENT OF CORRECTIONS

CDC NUMBER <b>K-36340</b>	INMATE'S NAME <b>SOLTERO</b>	RELEASE/BOARD DATE <b>2-24-07</b>	INST. <b>S.V.S.P.</b>	HOUSING NO. <b>65210</b>	LOG NO. <b>006-10-0003 R</b> <b>007-05-0010R</b>
VIOLATED RULE NO(S). <b>C.C.R. §3005(b)</b>		SPECIFIC ACTS <b>Willfully Resisting a Peace Officer</b>	LOCATION <b>Fac "C" Build. 8 "C" Pod</b>	DATE <b>10/02/06</b>	TIME <b>1100 Hrs.</b>

CIRCUMSTANCES On March 08, 2007, this CDC-115 Log #006-10-0003, is ordered retyped and reissued, Modification Order #07-010 per CDD M. Moore received on Facility "C" on 03/08/07, due to procedural errors. On 10-02-06, at approximately 1100 hours, while performing my duties as C7 Floor #1. While assisting in mass cell searches in C8 C-Pod, I was on the floor in C-Pod when a personal alarm was activated due to resistive inmates on the upper tier. I approached Inmate Soltero, K-36340, C8-228J, who was already in handcuffs sitting on the bench. I informed Inmate Soltero that he was going to prone out with my assistance. I then placed my left hand on his right arm at which point inmate Soltero resisted by twisting his upper body side to side losing my grasp. I regained control at that time Officer E. Garcia placed his right hand on inmate Soltero's left arm and with the combined weight of Officer Garcia and my own we physically forced inmate Soltero to the ground. While Officer Garcia held inmate Soltero down I placed mechanical leg restraints on Soltero. Inmate Soltero was then escorted out of the building by responding staff. Inmate Soltero [is not] a participant in the Mental Health Services Delivery System and is aware of this report.

REPORTING EMPLOYEE (Typed Name and Signature) <b>J. Ruelas, Correctional Officer</b>		DATE <b>3-15-07</b>	ASSIGNMENT <b>C7 Floor Officer #1</b>	RDO'S <b>W/T</b>
REVIEWING SUPERVISOR'S SIGNATURE <b>M. Nielsen</b>		DATE <b>03/19/07</b>	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: <b>D</b>	DATE <b>3-16-07</b>	CLASSIFIED BY (Typed Name and Signature) <b>[Signature]</b>	HEARING REFERRED TO <input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC
COPIES GIVEN INMATE BEFORE HEARING				
<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) <b>[Signature]</b>	DATE <b>3-16-07</b>	TIME <b>1300</b>	TITLE OF SUPPLEMENT <b>COPY OF ORIGINAL I E</b>
<input checked="" type="checkbox"/> INCIDENT REPORT LOG NUMBER: <b>SVP-FC8-06-10-0623</b>	BY: (STAFF'S SIGNATURE) <b>[Signature]</b>	DATE <b>3-16-07</b>	TIME <b>1300</b>	BY: (STAFF'S SIGNATURE) <b>[Signature]</b>
HEARING		DATE <b>3-16-07</b>	TIME <b>1300</b>	

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA

ACTION BY: (TYPED NAME) <b>R. Ingwerson, Lieutenant</b>	SIGNATURE <b>[Signature]</b>	DATE <b>3/22/08</b>	TIME <b>1005</b>
REVIEWED BY: (SIGNATURE) <b>[Signature]</b>	DATE	CHIEF DISCIPLINARY OFFICER'S SIGNATURE <b>[Signature]</b>	DATE
BY: (STAFF'S SIGNATURE) <b>[Signature]</b>		DATE	TIME
<input type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING			

# SERIOUS RULES VIOLATION REPORT

CDC NUMBER <b>K-36340</b>	INMATE'S NAME <b>SOLTERO</b>	VIOLATED RULE NO(S) <b>C.C.R. §3005(b)</b>	DATE	INSTITUTION <b>S.V.S.P.</b>	LOG NO. <b>C07-03-0010R</b>
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REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☒ NO

## POSTPONEMENT OF DISCIPLINARY HEARING

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE <b>N/A</b>	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE <b>N/A</b>	DATE
DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION <b>N/A</b>	
<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE <b>N/A</b>	DATE

## STAFF ASSISTANT

STAFF ASSISTANT	INMATE'S SIGNATURE	DATE
<input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE		
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input type="checkbox"/> NOT ASSIGNED	REASON <i>None for this case</i>	

## INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE	INMATE'S SIGNATURE	DATE
<input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE		
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input type="checkbox"/> NOT ASSIGNED	REASON <i>None for this case</i>	

EVIDENCE / INFORMATION REQUESTED BY INMATE:

## WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)

☐ REPORTING EMPLOYEE ☐ STAFF ASSISTANT ☐ INVESTIGATIVE EMPLOYEE ☐ OTHER ☒ NONE

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED	WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

<input type="checkbox"/> COPY OF CDC 115-A GIVEN INMATE	BY: (STAFF'S SIGNATURE) <i>[Signature]</i>	INVESTIGATOR'S SIGNATURE <i>[Signature]</i>	DATE
		TIME	DATE

<b>CDC NUMBER</b> <b>K-36340</b>	<b>INMATE'S NAME</b> <b>SOLTERO</b>	<b>LOG NUMBER</b> <b>C06-10-0003R</b>	<b>INSTITUTION</b> <b>HDSP</b>	<b>TODAY'S DATE</b> <b>1/22/08</b>
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> I.E. REPORT			<input type="checkbox"/> OTHER:

**HEARING PREPARATION:**

Inmate **SOLTERO** appeared for this hearing on Tuesday, January 22, 2008, at approximately 1005 hours, at which time I introduced myself as the Senior Hearing Officer for this disciplinary hearing. Inmate **SOLTERO** stated that he was in good health and ready to proceed with the hearing. Inmate **SOLTERO** is charged with "Willfully Resisting A Peace Officer," which is in violation of CCR Section 3005(c), wherein this act is prohibited.

**DUE PROCESS TIME CONSTRAINTS:**

Inmate **SOLTERO** acknowledged that he received copies of all non-confidential reports to be considered as evidence in this hearing at least 24 hours prior to this hearing. Inmate **SOLTERO** was served his copy of the Rules Violation Report within 15 days of the re-issue/re-hear order for the charged offense. The hearing is being held more than 30 days of that service because inmate **SOLTERO** transferred to HDSP. This SHO finds all time constraints and due process requirements have not been met.

**DISTRICT ATTORNEY REFERRAL:**

This case was not referred to the District Attorney for criminal prosecution.

**DISABILITIES PLACEMENT PROGRAM:**

Inmate **SOLTERO** is not an inmate participating in the Disabilities Placement Program.

**MENTAL HEALTH SERVICES DELIVERY SYSTEM:**

Inmate **SOLTERO** is not a participant in the Mental Health Services Delivery System.

**STAFF ASSISTANT:**

The SHO determined that Inmate **SOLTERO** speaks English, is literate (TABE score over 4.0), the issues are not complex and a confidential relationship is not required. Inmate **SOLTERO** therefore did not meet the criteria for assignment of a Staff Assistant pursuant to CCR, Section 3315(d)(2).

**INVESTIGATIVE EMPLOYEE:**

Inmate **SOLTERO** met the criteria for an I.E. Officer Kidd was assigned as the I.E. and completed the investigation pursuant to CCR, Section 3318(a).

**CONFIDENTIAL INFORMATION:**

Confidential information was not used in the adjudication of this case.

**VIDEOTAPE:**

There was no videotape recording of this incident. There was an after-incident use of force videotaped interview that had no bearing on this hearing. Therefore it was not used as evidence.

**DEFENDANT'S PLEA & STATEMENT:**

The circumstance of the violation was read to Inmate **SOLTERO**. He acknowledged understanding the charge filed against him. Inmate **SOLTERO** entered a plea of **NOT GUILTY**. After entering his plea Inmate **SOLTERO** made the following statement regarding the charge: "This 115 has been dismissed." The SHO

<input checked="" type="checkbox"/> COPY OF CDC-115 GIVEN TO INMATE	<b>SIGNATURE OF WRITER</b> <b>R. INGWERSON, Correctional Lieutenant</b>		<b>DATE SIGNED</b> <b>1/22/08</b>
	<b>GIVEN BY STAFF SIGNATURE:</b> <i>R. Ingwersen</i>	<b>DATE SIGNED</b> <b>2/25/08</b>	<b>TIME SIGNED</b> <b>1300</b>



<b>CDC NUMBER</b> <b>K-36340</b>	<b>INMATE'S NAME</b> <b>SOLTERO</b>	<b>LOG NUMBER</b> <b>C06-10-0003R</b>	<b>INSTITUTION</b> <b>HDSP</b>	<b>TODAY'S DATE</b> <b>1/22/08</b>
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> I.E. REPORT			<input type="checkbox"/> OTHER:

informed inmate **SOLTERO** that would be followed up after the hearing. The SHO reviewed inmate **SOLTERO'S** C-file and there is no documentation of this 115 being dismissed.

**WITNESSES:**

At the time Inmate **SOLTERO** received the first copy of the CDC-115A he was given an opportunity to request the presence of witnesses at this hearing. Inmate **SOLTERO** did not request the presence of witnesses at that time, nor did he request witnesses at the hearing.

**FINDINGS:**

All evidence was considered during this hearing. The preponderance of that evidence as described here in supports a finding of **GUILTY** to the charge of "Willfully Resisting A Peace Officer," a Division D offense. This finding is based upon the following preponderance of evidence:

The contents of the disciplinary report in which Officer Ruelas stated, in part, "I then placed my left hand on his right arm at which point inmate **SOLTERO** resisted by twisting his upper body side to side losing my grasp."

This SHO has determined that the evidence presented at this hearing is sufficient to support the charge.

**DISPOSITION:**

Inmate **SOLTERO** is not assessed loss of credit due to not meeting time constraints. Any loss of privileges is upheld.

**ADVISEMENT OF RIGHTS OF APPEAL:**

Inmate **SOLTERO** was advised that he will receive a copy of this completed report upon final review and audit by the Chief Disciplinary Officer. Inmate **SOLTERO** was also advised that he may appeal any portion of the hearing or the findings of the SHO. Inmate **SOLTERO** was further advised that he must attach the final copy of the 115 to the appeal and submit it for second level review and action.

<input checked="" type="checkbox"/> COPY OF CDC-115 GIVEN TO INMATE	<b>SIGNATURE OF WRITER</b> <b>R. INGWERSON, Correctional Lieutenant</b>		<b>DATE SIGNED</b> <b>1/22/08</b>
	<b>GIVEN BY STAFF SIGNATURE:</b> <i>R. Cello</i>	<b>DATE SIGNED</b> <i>2/25/08</i>	<b>TIME SIGNED</b> <i>1300</i>

STATE OF CALIFORNIA  
RULES VIOLATION REPORT - PART C

## DEPARTMENT OF CORRECTIONS

PAGE 1 OF 1

CDC NUMBER K-36340	INMATE'S NAME Soltero	LOG NUMBER <del>C07-03-0010R</del> 005-18-0003A	INSTITUTION SVSP	TODAY'S DATE 3-28-07
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<input type="checkbox"/> SUPPLEMENTAL	<input type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> CDC 115 CIRCUMSTANCES	<input type="checkbox"/> HEARING	<input checked="" type="checkbox"/> I.E. REPORT	<input type="checkbox"/> OTHER
---------------------------------------	---	--	----------------------------------	---	--------------------------------

On 3-28-07, I was assigned as Investigative Employee for CDC-115 Rules Violation Report, Log Number C07-03-0010R. I advised Inmate Soltero of my assignment and informed him that as the Investigative Employee, my duties are to act as a fact finder for the Senior Hearing Officer. Inmate Soltero acknowledged that he understood my role as the Investigative Employee and has indicated no objections to my assignment in this capacity. My report is as follows:

**Defendants Statement:** On this date, 3-28-07, I conducted an interview with Inmate Soltero (CDC# K-36340) regarding the charged offense. Inmate Soltero offered the following statement: "I want the same witnesses re-interviewed with the same questions. I want a copy of the video for evidence."

**Investigative Employee's Summation:** On 3-28-07, I was assigned to perform the duties of the Investigative Employee for RVR Log # C07-03-0010R. It is noted that Inmate Soltero's questions for the two Officers remain the same and have no bearing of the outcome of the RVR.

Inmate Soltero did not request that any staff or inmate witnesses be present at the hearing at the time of this report  
Inmate Soltero did request that the video be produced as evidence at the hearing at the time of this report.

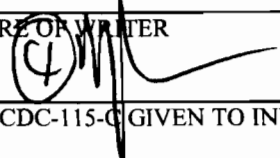
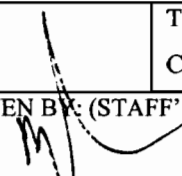
SIGNATURE OF WRITER Kidd 		TITLE Correctional Officer		DATE NOTICE SIGNED 03/28/07	
COPY OF CDC-115-G GIVEN TO INMATE		GIVEN BY: (STAFF'S SIGNATURE) 		DATE SIGNED: 03/30/07	TIME SIGNED: 1800

EXHIBIT A-1

NAME: SOLTERO

CDC #: K36340

BED: D-9-173L

**COMMITTEE ACTION SUMMARY**

REFER TO THE CSR FOR A 60 DAY ASU EXTENSION TO COMPLETE THE DISCIPLINARY PROCESS FOR SOME NON-SHU'ABLE OFFENSES AND SUBSEQUENT TRANSFER. RETAIN IN ASU PENDING CSR REVIEW AND COMPLETION OF THE DISCIPLINARY PROCESS. CONTINUE SINGLE CELL AND WALK ALONE YARD. PSYCH IS CLEAR.

**COMMITTEE'S COMMENTS**

Inmate SOLTERO declined to appear before Salinas Valley State Prison's (SVSP's) Administrative Segregation Unit (ASU) Institutional Classification Committee (ICC) today for his Initial ASU/Program Review and therefore ICC was held in absentia. SOLTERO did receive his 72-hour notice for the purpose of this review.

According to SOLTERO'S CDC 114D, he was placed into SVSP's ASU on 3/26/2007 for: Pending investigation into Soltero's refusal to participate in the interview process and the threat he poses to the safety and security of the institution. On 03/26/2007 the subject was placed into administrative segregation pending the completion of an investigation into the subjects threat level. The investigation was subsequently completed and it was determined that the subject poses a significant threat if allowed to program at SVSP. Therefore the subject was issued a new ASU placement order dated 05/08/07.

ICC notes SUBJECT'S ASU placement was ordered by Lieutenant J. Stevenson. The placement was ordered to protect the safety and security of the institution. The CDC 114D was issued to SUBJECT within 48 hours of ASU placement. Confidential information was not used for this ASU placement. The Administrative review was held by Captain (A) D. Caplan and approved by Correctional Administrator. A staff Assistant was not assigned. SUBJECT did not request witnesses for the Initial ICC Hearing, therefore an Investigative Employee was not necessary. Visiting restrictions while housed in ASU were reviewed with SUBJECT.

The Mental Health Clinician spoke to him regarding his ASU placement noting SUBJECT is not a participant in the MHSDS at any LOC and current mental health status is stable. Continued ASU placement is not likely to result in decomposition of the inmate's mental health condition and SUBJECT is able to understand and participate in the classification hearing. Subject's central file does not reflect in cell violence or predatory behavior. Subject is clear for double cell occupancy with a compatible cellmate. The CDC forms 812, 812C, 127, 840, and MCSF have all been reviewed and or updated as necessary. There is a current CDC form 1882 from SVSP in the Central File.

Based upon a review of SOLTERO'S CDC 114D, Central File, and case factors committee elects to: Refer to the CSR for a 60 day ASU extension to complete the disciplinary process for some non-SHU'able offenses and subsequent transfer. Retain in ASU pending CSR review and completion of the disciplinary process. Continue Single Cell and Walk Alone Yard. Psych is Clear.

At the conclusion of this review, SOLTERO will be informed of his Appeal Rights with regards to this committee's actions.

**INMATE CASE FACTORS**

<b>CUSTODY</b>	<b>PS/LEVEL</b>	<b>WG/PG &amp; EFF. DATE</b>	<b>RELEASE DATE</b>	<b>GPL</b>	<b>RECLASS</b>	<b>AGE</b>	<b>ETHNIC</b>	<b>TERMER</b>	<b>NEXT BPT &amp; DATE</b>
MAX S	161/IV	D2D - 3/26/2007	MEPD 4/25/2021	12 (R)	3/1/2008	32	MEX	1st	IPCH 10/2018
<b>RECEIVED</b>	<b>RECEIVED FROM &amp; TYPE OF TX</b>		<b>RECEIVED CDC</b>	<b>COUNTY OF COMMITMENT</b>		<b>SENTENCE</b>		<b>RESTITUTION</b>	
6/22/2004	CAL Non-Adverse		2/6/1997	San Diego		26 Years to Life		\$7700.00	
<b>COMMITMENT OFFENSE</b>									
1st Degree Murder									
<b>PRIOR ARREST HISTORY</b>		<b>DISCIPLINARY HISTORY</b>							
I/O		Willfully Obstructing/Delaying P.O. Battery on an Inmate W/SBI. Delaying a Peace Officer in the performance of Duty. Refusing to Submit to Urinalysis. Possession of Dangerous Contraband. Flooding. Ait to introduce contraband into Ad Seg. Participation in a Riot. Recurring failure to meet program expectations (PENDING). Willfully resisting a Peace Officer (PENDING)							
<b>SEX OFFENSES</b>			<b>ARSON OFFENSES</b>			<b>ESCAPES</b>			
Clear as of 2/5/2007			Clear as of 2/5/2007			Clear as of 2/5/2007			
<b>ENEMIES</b>			<b>GANG/TIP</b>			<b>CONFIDENTIAL</b>			
Noted on CDC 812 & CDC 812C			Southerner			Noted & Reviewed			
<b>MEDICAL</b>		<b>TB - DATE 128C</b>	<b>DENTAL</b>	<b>DPP</b>		<b>SUBSTANCE ABUSE</b>			
Full Duty		22 - 3/26/2007	3	N/A		Alcohol, Cocaine, Marijuana			
<b>PSYCH</b>			<b>MDO</b>			<b>DDP</b>			
Clear			Doesn't Meet MDO Criteria			NCF			
<b>HOUSING</b>	<b>CELL STATUS</b>		<b>CAMP, MCF, CCF, SAF, CCRC, REST. CENTER, &amp; MCCF ELIGIBILITY</b>						
180 Design (A1)	Single Cell		Camp Eligible: No VIO - LIF		CCF Eligible: No VIO - LIF		CCRC Eligible: No VIO - LIF		
			MSF Eligible: No VIO - LIF		SAF Eligible: No VIO - LIF		Rest. Center Eligible: No VIO - LIF		
			MCCF Eligible: No VIO - LIF						
<b>FPTTP</b>			<b>HWD</b>			<b>JOB ASSIGNMENT</b>			
US Citizen			None			Unassigned			

**COMMITTEE MEMBERS****MEMBERS**

G. Ponder, FC; A. Isaacs, LCSW

CHAIRPERSON

M. Moore III, CDW (A)

RECORDER

V. Solis, CCII (Sup)

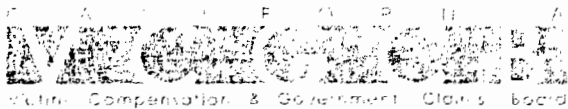
Committee Date: 5/17/2007

**INITIAL ASU/PROGRAM REVIEW (ABSENTIA)**

Committee: ICC



EXHIBIT "B"



STATE OF CALIFORNIA  
ARNOLD SCHWARZENEGGER, Governor

GOVERNMENT CLAIMS PROGRAM  
400 R Street, 5<sup>th</sup> Floor ♦ Sacramento, California 95814  
Mailing Address: P.O. Box 3035 ♦ Sacramento, California 95814  
Toll Free Telephone Number 1-800-955-0045 ♦ Fax Number: (916) 491-6443  
Internet: [www.vcgcb.ca.gov](http://www.vcgcb.ca.gov)

ROSARIO MARIN  
Secretary  
State and Consumer Services Agency  
Chairperson

JOHN CHIANG  
State Controller  
Board Member

MICHAEL A. RAMOS  
San Bernardino County District Attorney  
Board Member

KAREN McGAGIN  
Executive Officer

Victor D Soltero K36340  
PO Box 1050  
Soledad, CA 93960

May 25, 2007

RE: Claim G566872 for Victor D Soltero, K36340

Dear Victor Soltero,

The Victim Compensation and Government Claims Board rejected your claim at its hearing on May 22, 2007.

If you have questions about this matter, please mention letter reference 123 and claim number G566872 when you call or write your claim technician or analyst at (800) 955-0045.

Sincerely,

Linda Paluda, Program Manager  
Government Claims Division  
Victim Compensation and Government Claims Board

cc: B-23 Corrections and Rehabilitation, Attn: Donna Corbin

#### Warning

Subject to certain exceptions, you have only six months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately. PLEASE CONSULT GOVERNMENT CODE SECTION 955.4 FOR PROPER SERVICE OF SUMMONS AND COMPLAINT.

Ltr 123 Claim Rejection

EXHIBIT "C"

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, Victor Daniel Solters, declare I am over 18 years of age and a party to this action. I am a resident of High Desert State Prison in the County of Lassen, State of California. My prison address is: HIGH DESERT STATE PRISON, P.O. BOX 3030, Susanville, CA 96127.

On March 11, 2008 I served the attached: MOTION FOR DISCOVERY AND DISCLOSURE

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

offices of this Clerk U.S. District Court


NORTHERN DISTRICT OF CALIFORNIA

450 GOLDEN GATE AVENUE

San Francisco, CA 94102

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 3-11-2008  
(Date)

  
(Declarant's Signature)



**COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983**

Name Soltero, Victor

(Last)

(First)

Prisoner Number CDCR # K36340

Institutional Address Salinas Valley State Prison D9-173

P.O. Box 1050, Salsdad, CA 98960

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Victor Daniel Soltero

(Enter the full name of plaintiff in this action.)

vs.

JOE MCGRATH; M.S. EVENS; G.

PONDERS; RUELAS; AND SOME  
OR ANY PERSONS NAMED THEREIN SUPPORTING  
DOCUMENTS (SEE VCGCB CORRESPONDANCE  
INCLUDED AS EXHIBIT A) WHOM FUTURE  
APPOINTED COUNSEL PER 42 U.S.C 1983,  
AND/OR 42 U.S.C. 1997e(1) MAY DEEM  
APPROPRIATE.

(Enter the full name of the defendant(s) in this action)

Case No. 4256

(To be provided by the clerk of court)

**COMPLAINT UNDER THE  
CIVIL RIGHTS ACT, (PR)  
42 U.S.C §§ 1983**

*[All questions on this complaint form must be answered in order for your action to proceed..]*

Please write the address to where Administrative Remedies

you are sending your mail on the st exhaust your administrative remedies before your claim can go

CDC 193 by the RED X. Per HDSP urt will dismiss any unexhausted claims.]

Operational procedure #605 Section

G-4. RETURNED TO PLAINTIFF ON present confinement

B. Is there a grievance procedure in this institution?

YES (X) NO ( )

C. Did you present the facts in your complaint for review through the grievance procedure?

YES (X) NO ( )

D. If your answer is YES, list the appeal number and the date and result of the appeal at

IAB Case No. 0610668 LOCAL LOG NO. SVSP 07-00214

AND APPEAL(S) FOUND AT GOVT. CLAIMS PROGRAM VCGCB  
400 R STREET 5th floor. SACRAMENTO, CALIFORNIA 95814.

COMPLAINT

CLAIM NO. G566872. (SEE EXHIBIT A, RC:

GOVT. CODE SECTION 955.4 SERVICE OF SUMMONS AND  
COMPLAINT.)

FILED

07 AUG 20 AM 11:23

E-Filing

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAUNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

VICTOR DANIEL SOLTER, RO

Plaintiff,

CASE NO. 4256VS.  
JOE MCGRATH; M.S. EVENS; G. PONDERS; J.  
EVELAT; AND SOME OR ANY PERSON(S) NAMED  
THEREIN SUPPORTING DOCUMENTS (SEE  
VCCCB CORRESPONDANCE IN EXHIBIT A OF  
COMPLAINT UNDER THE CIVIL RIGHTS ACT 42 USC  
1983) WHOM FUTURE APPOINTED COUNSEL  
PER 42 USC 1988 AND/OR  
42 USC 1997 MAY DEEM APPROPRIATE.PRISONER'S  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS

PJH

(PR)

I, VICTOR DANIEL SOLTER, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes \_\_\_ No X

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: \_\_\_\_\_ Net: \_\_\_\_\_

Employer: \_\_\_\_\_

If the answer is "no," state the date of last employment and the amount of the gross and net salary

Victor Daniel Soltero #36340  
HIGHT DESERT STATE PRISON D5.210  
P.O. Box 3030  
Susanville, CA 96127

LEGAL MAIL

Office of the Clerk U.S. District  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 94102

STATE PRISON

